

**ORDINANCE NO. 2019-024**

ORDINANCE TO ALLOW THE CONSTRUCTION OF A DUPLEX ON A SUBSTANDARD LOT, WITH A FRONTAGE OF 40 FEET AND AREA OF 5,160 SQUARE FEET, WHERE 75 FEET AND 7,500 SQUARE FEET ARE REQUIRED; AND ALLOW INTERIOR EAST SIDE SETBACK OF 5.83 FEET FOR A DISTANCE OF 11 FEET, WHERE 7.5 FEET ARE REQUIRED; PROPERTY ZONED R-2 (ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT); ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544 AND 98-546. **PROPERTY LOCATED AT 457 EAST 16 STREET (LOT 22), HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of December 12, 2018 recommended approval of this ordinance; and

**WHEREAS**, the developer has proffered a conceptual site plan and renderings prepared by Juan Jose Leon RA, attached as Exhibit "A" and shall develop the property in substantial conformity therewith.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby granted a variance permit to allow the construction of a duplex on a substandard lot, with a frontage of 40 feet and area of 5,160 square feet, contra to Hialeah Code of Ordinances § 98-544 that provides: "The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such

parcels or lots shall have an average width of at least 75 feet...”; and allow an interior east side setback of 5.83 feet for a distance of 11 feet, where 7.5 feet are required, contra to Hialeah Code of Ordinances § 98-546 that provides: “...in the R-2 one and two family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width.” Property located at 457 East 16 Street (Lot 22), Hialeah, Florida, and legally described as follows:

Lot 22, in Block 1-E, of the Eighth Addition to the Town of Hialeah, according to the Plat thereof, as recorded in Plat Book 9, at Page 11, of the Public Records of Miami-Dade County, Florida.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such


invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED and ADOPTED this 12 day of March, 2019.


THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Vivian Casals-Muñoz  
Council President

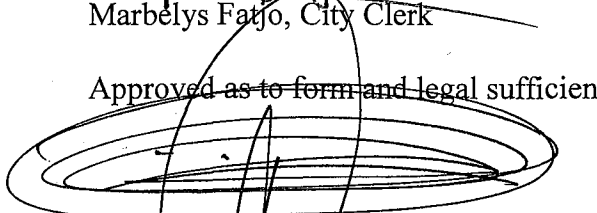
Attest:

Approved on this 18 day of March, 2019.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

Ordinance was adopted by a 6-1-0 vote with Councilmembers, Zogby, Lozano, Garcia-Martinez, Hernandez, Caragol and Cue-Fuente voting "Yes" and Casáls-Munoz voting "No"

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